

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LUIS JAIME,

Plaintiff,

-against-

NEW YORK CITY CORRECTIONS et al.,

Defendants.

24-CV-0271 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at Sullivan Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983. He alleges that on September 30, 2023, at a courthouse in Manhattan, Defendants violated his constitutional rights. For the following reasons, the complaint is dismissed without prejudice.

Plaintiff has previously submitted to this court a substantially similar complaint arising from the same events on September 30, 2023. That case is pending under docket number *Jaime v. New York State Officers*, No. 1:24-CV-0266 (LTS) (S.D.N.Y.). Because this complaint raises the same claims that Plaintiff has already brought in the pending action, no useful purpose would be served by the filing and litigation of this duplicate lawsuit.<sup>1</sup> Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 24-CV-0266 (LTS).

Plaintiff did not submit a prisoner authorization form with this complaint to authorize withdrawal of the \$350.00 filing fee, in installments, from his prison account.<sup>2</sup> Because this

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<sup>1</sup> Although Plaintiff has not named all of the same defendants in both suits, his complaint in the first suit (24-CV-0266) can be amended, consistent with Rule 15 of the Federal Rules of Civil Procedure, to include all of the defendants against whom he wishes to bring claims arising from the September 30, 2023 incident.

<sup>2</sup> By order dated January 12, 2024, the Court directed Plaintiff to submit a prisoner authorization form. Because this action is dismissed, Plaintiff need not do so for this action (24-CV-0271).

action is being dismissed, the Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

### CONCLUSOIN

The Court dismisses without prejudice Plaintiff's complaint under docket number 24-CV-0271 (LTS), as duplicative of his pending action under docket number 24-CV-0266 (LTS). The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action (24-CV-0271).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: January 16, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge